

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Emily Kelly,

Plaintiff,

v.

West University Place Police Department,

Defendant.

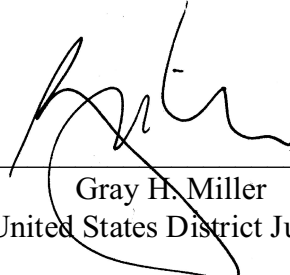
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Civil Action H-05-3039

ORDER

Pending before the Court is Defendant's Motion for Sanctions (Dkt. #11). Defendants move under Rule 37 to have the Court dismiss Plaintiff's claims against it with prejudice because Plaintiff has abused the discovery process and willfully violated this Court's April 14, 2006 Order. In that Order, the Court provided Plaintiff ten (10) days to serve her initial disclosures with all of the required information under Rule 26(a)(1) and also to fully respond to Defendant's Interrogatories and Requests for Production. According to Defendants, Plaintiff has not complied with that Order. While mindful of Plaintiff's *pro se* status, the Court notes that it was Plaintiff who invoked this Court's jurisdiction, and thereby required Defendant's participation in this lawsuit. Under Rule 37(b)(2)(C), the Court has the discretion to dismiss a case after a party fails to comply with a direct court order. Plaintiff is hereby advised that the Court will dismiss this matter with prejudice unless Plaintiff responds within ten (10) days from the date of this Order sufficiently explaining her lack of participation in the discovery process, including her failure to comply with this Court's April 14, 2006 Order.

Signed at Houston, Texas on May 23, 2006.



Gray H. Miller
United States District Judge